

IN THE DRAWINGS

Attached are revised copies of Figs. 1 and 2 showing the legend "Related Art," and labeled as "REPLACEMENT SHEET" as requested by the Examiner.

Attachments: Replacement Sheets of Figs. 1 and 2
 Annotated Sheets Showing Changes

REMARKS

In the Final Office Action, the Examiner rejected claim 38 under 35 U.S.C. § 112, second paragraph; rejected claims 17 and 23 under 35 U.S.C. § 102(a) as allegedly anticipated by Applicants' admitted prior art (AAPA); rejected claims 1, 3, 7-9, 11, 15, 16, 19, 23, 25, 29, 31, 35, and 36 under 35 U.S.C. § 103(a) as allegedly unpatentable over the AAPA in view of U.S. Patent No. 6,553,002 to Bremer et al.; rejected claims 2, 10, and 30 under 35 U.S.C. § 103(a) as allegedly unpatentable over the combination of the AAPA in view of Bremer as applied to claims 1, 9, and 29, and in further view of U.S. Patent No. 5,347,272 to Ota; rejected claims 18 and 24 under 35 U.S.C. § 103(a) as allegedly unpatentable over AAPA as applied to claims 17 and 23 in view of Ota; rejected claims 4, 12, and 32 under 35 U.S.C. § 103(a) as allegedly unpatentable over the AAPA in view of Bremer as applied to claims 1, 9, and 29, and in further view of U.S. Patent No. 5,802,049 to Watanabe; rejected claims 20 and 26 under 35 U.S.C. § 103(a) as allegedly unpatentable over AAPA as applied to claims 17 and 23 in view of Watanabe; rejected claims 5, 13, and 33 under 35 U.S.C. § 103(a) as allegedly unpatentable over the AAPA in view of Bremer as applied to claims 1, 9, and 29, and in further view of U.S. Patent No. 6,205,211 to Thomas; rejected Claims 21 and 27 under 35 U.S.C. § 103(a) as allegedly unpatentable over AAPA as applied to claims 17 and 23 in view of Thomas; rejected claims 6, 14, and 34 under 35 U.S.C. § 103(a) as allegedly unpatentable over the AAPA in view of Bremer as applied to claims 1, 9, and 29, and in further view of U.S. Patent No. 6,801,502 to Rexford; rejected claims 22 and 28 under 35 U.S.C. § 103(a) as allegedly unpatentable over AAPA as applied to claims 17 and 23 in view of Rexford; rejected claim 37 under 35 U.S.C. § 103(a) as allegedly

unpatentable over the AAPA in view of Bremer as applied to claim 29, and in further view of U.S. Patent No. 6,751,650 to Finch; rejected claim 39 under 35 U.S.C. § 103(a) as allegedly unpatentable over the AAPA in view of Bremer as applied to claim 29, and in further view of U.S. Patent No. 6,032,190 also to Bremer.

By this amendment, Applicant amends claim 38 and Figures 1 and 2. Claims 1-39 are currently pending. Claims 1, 9, 17, 23, and 29 are independent.

In response to the Examiner's objection to the drawings, Figs. 1 and 2 are amended.

Claim 38 is amended to overcome the rejection under 35 U.S.C. § 112. Amended claim 38 is clear and definite.

Applicants respectfully traverse the Examiner's rejections under 35 U.S.C. §§ 102 and 103.

Claim 1 recites a data converter comprising a plurality of elements including data reception means, information reception means, format conversion means, and,

route control means for determining a communication route,
based on
a format conversion parameter relating to the
first format of the transmitted data received by the reception
means,
format conversion performed by the format
conversion means,
format conversion performed by another
communication node, and/or
the communication network parameter
received by the information reception means;

Applicants respectfully submit that, contrary to the Examiner's assertion, there is nothing in the background of the specification of this application, including Figs. 1 and 2, that teaches a "route control means" which determines a communication route based on the four listed features described in claim 1. The alleged AAPA does not teach or

suggest route control means for determining a communication route, based on a format of the data received by the reception means, and/or a format conversion parameter associated with a type of format conversion of another communication node. The Examiner alleges that the AAPA teaches these features by showing in Fig. 2, a box 205, alleging that there is a format conversion from MPEG2 to MPEG4, and thereafter transmitting the data through route R102. Applicants submit that nothing in the relied upon portion of the specification describes any of the parameters for route determination, and is particularly devoid of the route determination factors described in claim 1.

Accordingly, contrary to the Examiner's assertion, the AAPA does not teach a "route control means" as recited in claim 1. Further, the relied upon portions of the other cited references do not overcome this shortcoming of the AAPA. Accordingly, independent claim 1 patentably distinguishes over the relied upon portions of the cited references and is allowable.

For reasons similar to those described above with regard to independent claim 1, independent claims 9, 17, 23, and 29 are also believed to be allowable.

The other claims depend from one of the independent claims discussed above, and are therefore believed patentable for at least the same reasons. Because each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

Applicant respectfully requests that this Amendment under 37 C.F.R. § 1.116 be entered by the Examiner, placing claims 1-39 in condition for allowance. Applicants

submit that the proposed amendments of claims 38 does not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner, since all of the elements and their relationships claimed were either earlier claimed or inherent in the claims as examined. Therefore, this Amendment should allow for immediate action by the Examiner.

Furthermore, Applicants respectfully point out that the final action by the Examiner presented some new arguments as to the application of the art against Applicant's invention. It is respectfully submitted that the entering of the Amendment would allow the Applicants to reply to the final rejections and place the application in condition for allowance.

Finally, applicants submit that the entry of the amendment would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.


In view of the foregoing remarks, Applicants submit that this claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicants therefore request the entry of this Amendment, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: December 14, 2005

By: 
Michael R. Kelly
Reg. No. 33,921

Attachments: Replacement Sheets of Figs. 1 and 2
Annotated Sheets Showing Changes

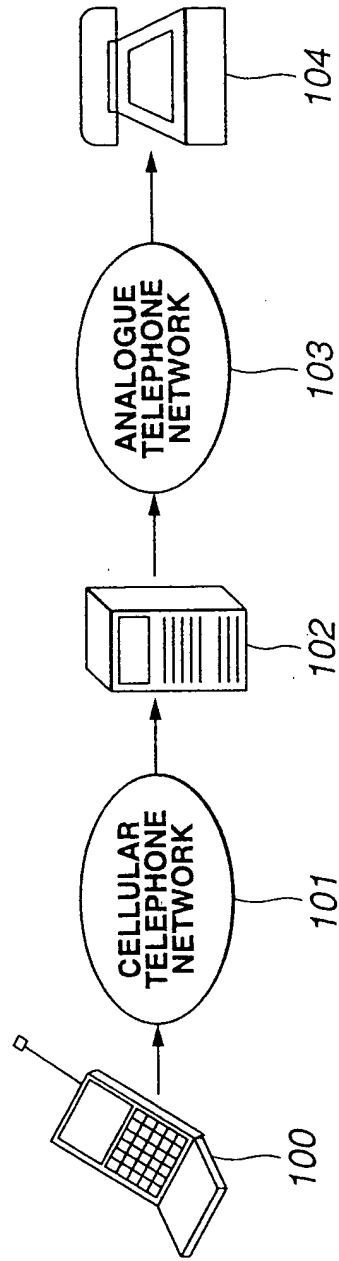


FIG.1 (Related Art)

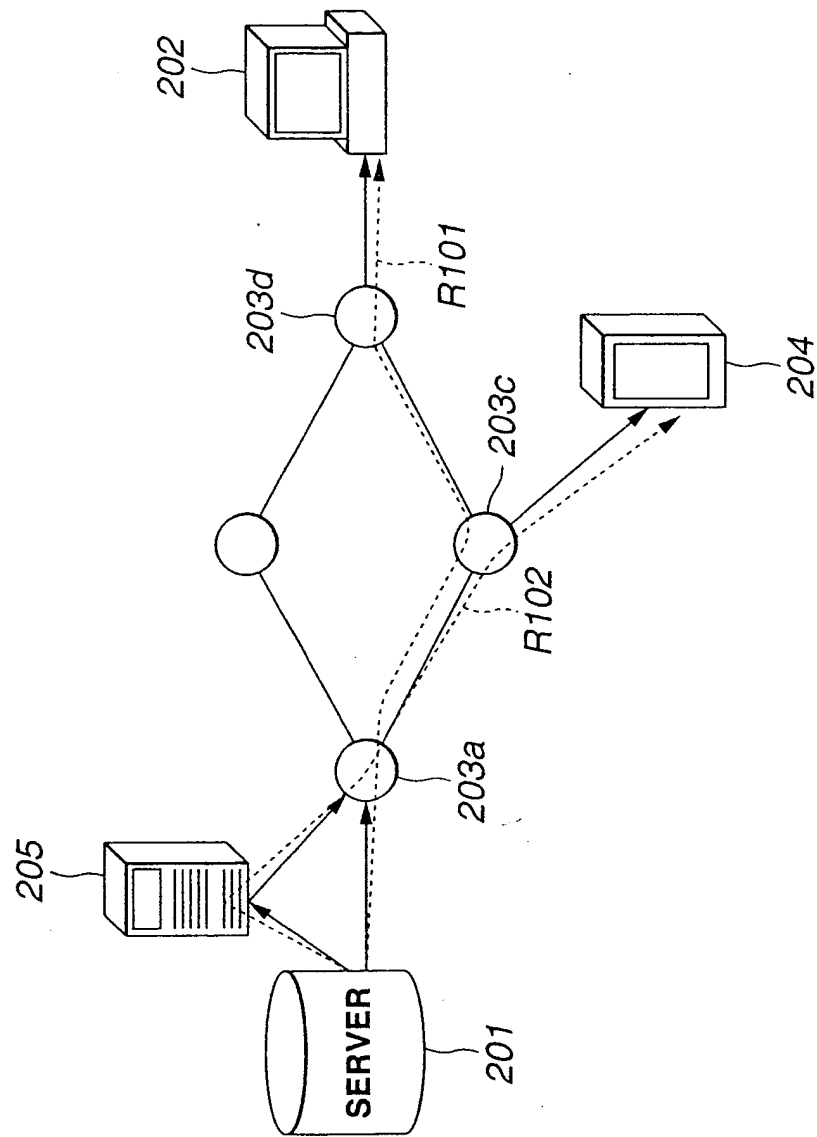


FIG.2 (Related Art)